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| EXAMINER |
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CHOI, MICHAEL P

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2621

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04/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/618,201 | <b>Applicant(s)</b><br>WOLFF ET AL. |  |
|                              | <b>Examiner</b><br>Michael Choi      | <b>Art Unit</b><br>2621             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) 16-34 and 43-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/05; 1/28/08</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-15 and 35-42) in the reply filed on 2/8/08 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 8, 9-13, 15, 35, 36, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsumagari et al. (US 6,360,057 B1).

**Regarding Claim 1**, Tsumagari et al. teaches a method for providing access to an information stream comprising:

- obtaining a plurality of timestamps (Fig. 3, PTS; Col. 10, lines 15-22), each timestamp comprising an associated event marker (in at least Figs. 25, 27 – entry points) and an associated time index referenced with respect to a time line of the information stream (Figs. 14-16, 23 – time of entries), wherein two or more timestamps can be associated with the same event marker (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22);
- producing segments of the information stream, each segment being associated with a timestamp and being determined based on the time index associated with the timestamp (Col. 9, line 48 - Col. 10, line 28 - VOB with presentation time during interval);
- forming groups of segments (see at least Fig. 2, Video Object comprised of a set and cells), each group comprising those segments of the information stream whose timestamps are associated

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the same event marker (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22); and

- presenting a representation of each event marker and a representation of its associated group of segments, wherein the representation is arranged according to an arrangement format (Figs. 23-25, 27 – entry points within recorded time as listed and indexed).

**Regarding Claim 2**, Tsumagari et al. teaches the method of claim 1 wherein the arrangement format is determined automatically, absent user-provided arrangement information (Fig. 32, entry point by recorder; Col. 28, line 53 - Col. 29, line 34).

**Regarding Claim 4**, Tsumagari et al. teaches the method of claim 1 wherein each event marker is information produced by a user action (Fig. 32 – entry point by user; Col. 28, line 53 - Col. 29, line 34) and each associated time index is the time of occurrence of the user action (Figs. 14-16, 23 – time of entries; Fig. 27 – entry points per recorded time in various programs).

**Regarding Claim 8**, Tsumagari et al. teaches the method of claim 1 wherein each timestamp is further associated with a recording device (in at least Figs. 26, 29 – wherein all timestamps are associated with device), wherein the method is applied only to those timestamps that are associated with the same recording device (in at least Figs. 26, 29 – wherein all timestamps are associated with device).

**Regarding Claim 9**, Tsumagari et al. teaches the method of claim 1 wherein a segment of the information stream spans a period of time relative to an associated time index (Figs. 14-16, 23 – period of time of entries).

**Regarding Claim 10**, Tsumagari et al. teaches the method of claim 1 further comprising recording the information stream (in at least Col. 1, lines 16-26), wherein the timestamps are recorded at

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the time of recording of the information stream (Figs. 23-25, 27 – entry points within recorded time as listed and indexed).

**Regarding Claim 11**, Tsumagari et al. teaches the method of claim 1 wherein the information stream is a previous recording, the method further comprising recording the timestamps during playback of the information stream (Figs. 36, 37, 46, 47).

**Regarding Claim 12**, Tsumagari et al. teaches the method of claim 1 wherein the information stream comprises one of continuous information and discrete information (in at least Figs. 2, 3 – wherein VOB, cells, VOBUs, etc have finite playback time).

**Regarding Claim 13**, Tsumagari et al. teaches the method of claim 1 wherein the step of presenting includes producing images on a display device (Fig. 35).

**Regarding Claim 15**, Tsumagari et al. teaches a method for providing access to an information stream comprising:

- obtaining a plurality of timestamps (Fig. 3, PTS; Col. 10, lines 15-22), each timestamp comprising an associated event marker (in at least Figs. 25, 27 – entry points) and an associated time index referenced with respect to a time line of the information stream (Figs. 14-16, 23 – time of entries), wherein two or more timestamps can be associated with the same event marker (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22);
- producing segments of the information stream, each segment being associated with a timestamp and being determined based on the time index associated with the timestamp (Col. 9, line 48 - Col. 10, line 28 - VOBUs with presentation time during interval);
- forming groups of segments (see at least Fig. 2, Video Object comprised of a set and cells), each group comprising those segments of the information stream whose timestamps are associated

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the same event marker (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22);

- receiving a source image comprising images of the event markers and annotative information proximate each event marker (Col. 9, line 59 – Col. 10, line 23 – VOBUs having groups of pictures, wherein each pack has presentation time stamps and entry points; Fig. 27);
- for each event marker contained in the source image, presenting a plurality of images including an image of the event marker (in at least Figs. 35, 36, 38, 39 – playback of video from selected entry point), an image representative of the group of segments associated with the event marker; and image of the annotative information proximate the event marker (in at least Figs. 35, 36, 39 – entry point playback having thumbnail with text), wherein the plurality of images are grouped together (in at least Col. 9, lines 59+ - VOBUs having groups of pictures).

**Regarding Claim 35**, Tsumagari et al. teaches a processor for providing access to an information stream comprising a data processing component operable to perform the method steps of:

- receiving at least a first information stream (Figs. 1-3 – video stream of disc);
- receiving a plurality of first event markers (Fig. 27 – entry points), the first event markers having timing information associated therewith (Figs. 14-16, 23 – time of entries);
- timestamping the first information stream with the first event markers (Fig. 3, PTS; Col. 10, lines 15-22), including identifying points in time in the first information stream based on the timing information (Col. 9, line 59 – Col. 10, line 23 – VOBUs having groups of pictures, wherein each pack has presentation time stamps and entry points; Fig. 27) associated with the event markers and associating the points in time in the first information stream with the first event markers (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22);
- grouping together those points in time in the first information stream that are timestamped with the same event marker to produce one or more groups of media segments (Fig. 27 – creation of various playlists with entry points); and

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- presenting the groups of media segments (Fig. 38 – playback according to selection).

**Regarding Claim 36**, Tsumagari et al. teaches the processor of claim 35 wherein the first event markers further have device information associated therewith (Fig. 27 – creation of various playlists with entry points), the device information being indicative of the device which produced the first information stream (in at least Figs. 26, 29 – wherein all timestamps are associated with device), wherein the step of grouping is performed on those the first event markers that are associated with the same device information (in at least Figs. 26, 29 – wherein all timestamps are associated with device).

**Regarding Claim 41**, Tsumagari et al. teaches a method for accessing an information stream comprising:

- detecting a first action of reading a marker (Fig. 3, PTS; Col. 10, lines 15-22);
- storing first information representative of the marker (Figs. 23-25, 27 – entry points within recorded time as listed and indexed);
- associating a first time value with the first information, the first time value representative of the time of the first action (Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22; Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22);
- detecting a second action of reading the marker (Fig. 3, PTS; Col. 10, lines 15-22; Fig. 38 – second action for reading entry point if still remaining);
- accessing a segment of an information stream, the segment being based on the first time value (Col. 9, line 48 - Col. 10, line 28 - VOB with presentation time during interval; Figs. 23, 27 - entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22); and
- presenting the segment (Figs. 23-25, 27 – entry points within recorded time as listed and indexed; Fig. 38 - presentation from selected entry).

**Regarding Claim 42**, Tsumagari et al. teaches the method of claim 41 further comprising detecting a third action of reading the marker and in response thereto associating a second time value with the first information (Fig. 3, PTS; Col. 10, lines 15-22; Fig. 38 – third action for reading entry point when still remaining), the second time value representative of the time of the third action (Figs. 23, 27 – entry point for programming movie with multiple key frames in packet thereby multiple time stamps within entry point; Col. 10, lines 15-22); and detecting a fourth action of reading the marker and in response thereto accessing another segment of the information stream (Fig. 3, PTS; Col. 10, lines 15-22; Fig. 38 – fourth action for reading entry point when still remaining) based on the second time value (Figs. 23-25, 27 – entry points within recorded time as listed and indexed) and presenting it (Figs. 23-25, 27 – entry points within recorded time as listed and indexed; Fig. 38 - presentation from selected entry point).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (US 6,360,057 B1) in view of Stonedahl (US 2002/0199198 A1).

**Regarding Claim 5**, Tsumagari et al. teaches the method of claim 4 but fails to explicitly teach wherein the user action is scanning of a barcode, wherein the marker is representative of the barcode that is scanned, wherein scanning the barcode more than once produces one or more time indices associated with the barcode. Stonedahl teaches wherein the user action is scanning of a barcode, wherein the marker is representative of the barcode that is scanned, wherein scanning the barcode more than once



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produces one or more time indices associated with the barcode (Paragraphs [0038,0040] – selection based on barcode scanning by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through usage of a scanning a barcode. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically pointing and selecting to preferred portions of events to designate as desired portions.

**Regarding Claim 6**, Tsumagari et al. teaches the method of claim 4 but fails to explicitly teach wherein the user action is speaking a phrase, wherein the event marker is representative of a digital representation of the phrase, wherein speaking the phrase more than once produces one or more time indices associated with the digital representation of the phrase. Stonedahl teaches wherein the user action is speaking a phrase, wherein the event marker is representative of a digital representation of the phrase, wherein speaking the phrase more than once produces one or more time indices associated with the digital representation of the phrase (Paragraphs [0038,0040] – selection based by sounds of participant by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through speaking. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically (by nature of tonal) pointing and selecting to preferred portions of events to designate as desired portions.

**Regarding Claim 7**, Tsumagari et al. teaches the method of claim 4 but fails to explicitly teach wherein the user action is a selecting a visual element with an input device, wherein the event marker is representative of the visual element, wherein selecting the visual element more than once produces one or more time indices associated with the visual element. Stonedahl teaches wherein the user action is a selecting a visual element with an input device, wherein the event marker is representative of the visual element, wherein selecting the visual element more than once produces one or more time indices

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associated with the visual element (Paragraphs [0038,0040,0043] – selection based on barcode scanning by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through usage of a scanning a barcode. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically (by means of visual cues) pointing and selecting to preferred portions of events to designate as desired portions.

**Regarding Claim 38,** Tsumagari et al. teaches the processor of claim 35 but fails to explicitly teach wherein the event markers are representative of scanned barcodes. Stonedahl teaches wherein the event markers are representative of scanned barcodes (Paragraphs [0038,0040,0043] – selection based on barcode scanning by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through usage of a scanning a barcode. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically pointing and selecting to preferred portions of events to designate as desired portions.

**Regarding Claim 39,** Tsumagari et al. teaches the processor of claim 35 but fails to explicitly teach wherein the event markers are representative of selected graphics. Stonedahl teaches wherein the event markers are representative of selected graphics (Paragraphs [0038,0040,0043] – selection visually based by graphic barcode scanning by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through usage of a scanning a barcode. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically (by means of visual cues) pointing and selecting to preferred portions of events to designate as desired portions.

**Regarding Claim 40**, Tsumagari et al. teaches the processor of claim 35 but fails to explicitly teach wherein the event markers are representative of spoken phrases. Stonedahl teaches wherein the event markers are representative of spoken phrases (Paragraphs [0038,0040] – selection based by sounds of participant by a number of selections based on time).

A person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting through speaking. It would require no more than "ordinary skill and common sense," to give the user control over digitally and physically (by nature of tonal) pointing and selecting to preferred portions of events to designate as desired portions.

6. Claims 3, 14 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (US 6,360,057 B1) in view of Koyama et al. (US 6,424,385 B1).

**Regarding Claim 3**, Tsumagari et al. teaches the method of claim 1 but fails to explicitly teach wherein each of the event markers is uniquely represented on a sheet, wherein the arrangement format is determined according to an arrangement of the event markers on the sheet. Koyama teaches wherein each of the event markers is uniquely represented on a sheet, wherein the arrangement format is determined according to an arrangement of the event markers on the sheet (Col. 7, lines 42-28 – printer printing image per one image on paper wherein only one time stamp applies).

A person of ordinary skill in the art would have had good reason to pursue the known options of allowing a physical copy of an image representative of an event to be printed onto a physical medium such as paper. It would require no more than "ordinary skill and common sense," to have selected portions of events distributed as images and printed onto a sheet.

**Regarding Claim 14**, Tsumagari et al. teaches the method of claim 1 but fails to explicitly teach wherein the step of presenting includes producing images on a printable medium. Koyama teaches

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wherein the step of presenting includes producing images on a printable medium (Col. 7, lines 42-28 – printer printing image per one image on paper).

A person of ordinary skill in the art would have had good reason to pursue the known options of allowing a physical copy of an image representative of an event to be printed onto a physical medium such as paper. It would require no more than "ordinary skill and common sense," to have selected portions of events distributed as images and printed onto a sheet.

**Regarding Claim 37**, Tsumagari et al. teaches the processor of claim 35 but fails to explicitly teach wherein presenting the groups of media segments comprises, for each group of media segments, producing an image representative of each media segment and forming the image on a printable medium. Koyama teaches wherein presenting the groups of media segments comprises, for each group of media segments, producing an image representative of each media segment and forming the image on a printable medium (Col. 7, lines 42-28 – printer printing image per one image on paper wherein only one time stamp applies).

A person of ordinary skill in the art would have had good reason to pursue the known options of allowing a physical copy of an image representative of an event to be printed onto a physical medium such as paper. It would require no more than "ordinary skill and common sense," to have selected portions of events distributed as images and printed onto a sheet.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571)272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621  
/M. C./  
Examiner, Art Unit 2621